REMARKS

Claims 14-16 and 24-27 are pending. Claims 13 and 23 have been cancelled. Claims 14 and 26 have been amended. New claim 27 has been added. New claim 27 is drawn to a method of using the host cell of claim 15. Claim 15 has been found free of the prior art. As such, new claim 27, drawn to a method of using the product of 15, is necessarily free of the prior art. In addition, an equal or greater number of claims have been cancelled. As such, it is believed that new claim 27 does not raise any new issues for consideration after issue of a final rejection and entry thereof is respectfully requested.

Defective Oath/Declaration

The Examiner asserts that the Declaration & Power of attorney is defective because priority is claimed to PCT/JP94/02009 under 35 U.S.C. §119 rather than under 35 U.S.C. §120. Applicants respectfully note that a copy of the supplemental Declaration & Power of Attorney from the parent application, in which priority to PCT/JP94/02009 is claimed under 35 U.S.C. §120, was submitted in the present application on June 25, 2002.

Objection under 35 U.S.C. §132

The Examiner maintains the objection to the amendments to pages 1, 2 and 8 to insert "polyclonal" with the assertion that

there is no support for the amendment in the originally filed disclosure. The Examiner maintains the one skilled in the art would not have recognized polyclonal antibodies as being part of the invention based on the disclosure in the specification. The specification has been amended to delete the recitation of polyclonal antibodies. As such, withdrawal of the objection is respectfully requested.

Rejections under 35 U.S.C. §112, 1st paragraph

Claims 13-15, 23 and 26 have been rejected under 35 U.S.C. §112, 1st paragraph for lack of written description and lack of enablement. Regarding the lack of written description, the Examiner asserts that the specification does not adequately describe the genera encompassed by claims 13, 23 and 26 because the only species disclosed in the specification is SEQ ID NO:2.

With regard to claim 13 specifically, the Examiner takes the position that the partial amino acid sequences recited in claim 13 do not adequately describe the genus of polynucleotides encompassed by the claims. Claim 13 has been cancelled, thus obviating this rejection.

With regard to claim 26, the Examiner notes that the claim fails to recite any activity associated with the encoded protein of the hybridizing sequence. As such, encoded proteins, which do not have any metalloproteinase activity are also encompassed by claim

26. Regarding the rejection for lack of enablement, the Examiner reiterates the same comments regarding claims 13 and 26.

The Examiner is correct claim 26 encompasses sequences that that do not encode proteins having metalloproteinase activity. As disclosed at least on page 1, 2nd full paragraph and page 8, 2nd full paragraph of the specification the present invention encompasses probe sequences, which hybridize to the DNA or RNA encoding the MT-MMP protein. As such, the subject matter of claim 26 was clearly described in the specification as being part of the invention and would be readily enabled using routine techniques of the art. Claim 26 has been amended to more clearly indicate that the hybridizing sequences of claim 26 are suitable to be used as probes. As such, withdrawal of the rejections is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the MaryAnne Armstrong, PhD (Reg. No. 40,069) at the telephone number listed below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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